

condemnation of 21 1-gallon cans of table oil, remaining unsold in the original unbroken packages at Carnegie, Pa., alleging that the article had been shipped on January 28, 1919, by D. Spiropulos and J. Theodore, New York, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding. The article was labeled in part, "Finest Quality Table Oil. Insuperabile Termini Imerese Type * * * cottonseed oil slightly flavored with olive oil." (Picture on label showing olives picked from olive tree.)

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith and substituted wholly or in part for table oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, designs, and devices borne on the labels, not corrected by the statement in inconspicuous type "cottonseed oil slightly flavored with olive oil," were false and misleading and deceived and mislead the purchaser, in that they conveyed the impression that the article was olive oil, when it was not, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it purported to be a foreign product, when not so; and for the further reason that it was labeled "Net Contents 1 Gallon," whereas examination showed the quantity of the contents to be incorrectly stated.

On August 18, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be properly labeled under the supervision of a representative of this department, and should be sold at public auction by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

7139. Misbranding of olive oil. U. S. * * * v. 21 Cases and 14 Half-gallon Cans and 46 Quart Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 9779, 9824, 9825. I. S. Nos. 2571-r, 2572-r. S. No. W-283.)

On or about March 6, 1919, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21 cases and 14 half-gallon cans and 46 quart cans of olive oil, consigned by R. Gerber & Co., Chicago, Ill., remaining unsold in the original unbroken packages at Trinidad, Colo., alleging that the article had been shipped on or about October 25, 1917, and December 26, 1917, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Ottimo Brand Virgin Olive Oil."

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not stated in terms of measure correctly on the outside of the cans. Misbranding of the article was alleged for the further reason that on each and every can the measure of the contents thereof was falsely overstated; that on each gallon can it was stated to contain "1 Gal. Net," when, in fact, said cans did not contain 1 gallon net, but every one of said cans contained less than a gallon net, to wit, about 3.05 per cent less than a gallon; that on each half-gallon can it was stated that it contained " $\frac{1}{2}$ Gal. Net," when, in fact, the said cans did not contain $\frac{1}{2}$ gallon net, but each and every one of said half-gallon cans contained less than $\frac{1}{2}$ gallon net, to wit, about 5 per cent less than $\frac{1}{2}$ gallon net; that on each

quart can it was stated that it contained " $\frac{1}{4}$ Gal. Net," when, in fact, said cans did not contain $\frac{1}{4}$ gallon net, but each and every one of said cans contained less than $\frac{1}{4}$ gallon net, to wit, about 7 per cent less than $\frac{1}{4}$ gallon net; that said statements as to the measure of the contents of said cans were false and misleading.

On April 10, 1919, Jay J. Gerber and Norman Gerber, copartners, trading as R. Gerber & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act.

E. D. BALL,
Acting Secretary of Agriculture.

7140. Adulteration of powdered capsicum. U. S. * * * v. Allaire, Woodward & Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 9738. I. S. No. 6565-p.)

On May 6, 1919, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allaire, Woodward & Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 1, 1918, from the State of Illinois into the State of New York, of a quantity of an article labeled in part, "Strictly Pure Powdered Capsicum," and charging adulteration in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Per cent.
Total ash.....	8.91
Nonvolatile ether extract.....	14.00

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that it yielded approximately 14 per cent of nonvolatile extractive, soluble in ether, whereas said Pharmacopœia provides that it should yield not less than 15 per cent of nonvolatile extractive, soluble in ether, and in that it contained approximately 8.91 per cent of ash, whereas said Pharmacopœia provides that it should yield not more than 7 per cent of ash.

On November 10, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

E. D. BALL,
Acting Secretary of Agriculture.

7141. Adulteration of gelatin. U. S. * * * v. Consumers Glue Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 9742. I. S. No. 8556-p.)

On May 6, 1919, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Consumers Glue Co., a corporation, St. Louis, Mo., alleging the shipment by said company, in violation of the Food and Drugs Act, on or about December 1, 1917, and December 22, 1917, from the State of Missouri into the State of Texas, of a quantity of gelatin which was adulterated.